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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,036	09/25/2006	Toru Suzuki	Q97091	8071
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SUGHRUE MION, PLLC				
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SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
POLO, GUSTAVO D				
ART UNIT		PAPER NUMBER		
2627				
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05/11/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/594,036

Applicant(s)

SUZUKI ET AL.

Examiner

Gustavo Polo

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
4a) Of the above claim(s) 4 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 25 September 2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The Information Disclosure Statement (IDS) submitted on 25 September 2006 complies with the provisions of 37 CFR 1.97 and 37 CFR 1.98. Accordingly, the IDS has been considered by the examiner.

Specification

The title of the invention is objected to as non-descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claim 3 is objected to because of the following informalities: in line 1, the term "movable" should be changed to --movably--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitations "the other end portion" and "the one end portion" in lines 11 and 12, respectively. There is insufficient antecedent basis for these limitations in the claims.

Claim 3, the phrase "to move close" is relative descriptive language and thus rendering the scope of the claim unascertainable. For purposes of this office action, the limitation is being given a broad reasonable interpretation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

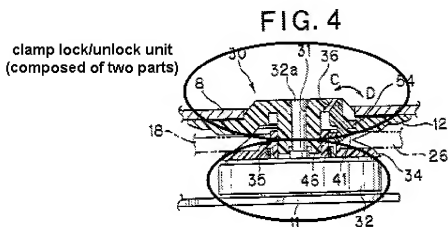
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Konno et al. Pub. No. US 2002/0176352 A1 (herein, Konno).

With regard to claim 1, Konno discloses a recording medium playback apparatus (information replay apparatus, ¶ 15, l. 4) comprising: a main body (housing of apparatus); a clamp unit (Fig. 3, element 30 including 18 & 26) clamping a recording medium to be received in the main body (¶ 15, ll. 4-7) and rotating the recording medium (¶ 17, l. 4); a lock unit (spring, Fig. 3, 35) movable between a lock position (as shown generally in Fig. 3 where spring is not compressed), in which the clamp unit is locked to the main body (where movable member 34 is not moving with respect to housing), and an unlock position (as shown generally in Fig. 4 where spring is compressed), in which the clamp unit is made movable against the main body (when movable base is moving by means of elements 18 and 26 and the spring 35 with respect to housing as shown in Figs. 3 and 4); and a clamp lock/unlock unit (see below)

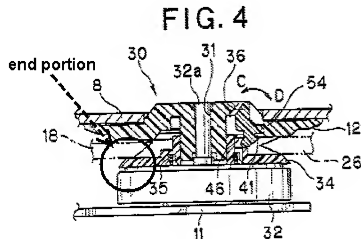
limiting to unlock clamping by the clamp unit when the lock unit is positioned in the unlock position (Fig. 4, where 18 & 26 are limiting), and allowing to unlock clamping by the clamp unit when the lock unit is positioned in the lock position (Fig. 3, where 18 & 26 are allowing unlocking),



wherein the clamp unit comprises: a turntable (Fig. 4, 12) positioning the recording medium (disk, 8) on a surface thereof (§ 15, II. 4-8), and clamping the recording medium positioned on the surface (Fig. 3), and rotating together with the recording medium (§ 17, I. 4); and a pick-up unit (Fig. 1, 13) provided to move freely between an unclamp position (where operating member 18 moves between clamp and unclamp position), in which clamping the medium on the turntable is unlocked (Fig. 4), and a playback position, in which the recording medium is clamped on the turntable and information on the recording medium is played back (Fig. 3); wherein the clamp lock/unlock unit limits the pick-up unit to move to the unclamp position when the lock unit is positioned in the unlock position (as shown in Fig. 4, the operating member of pick-up is limited by clamp lock/unlock unit), and allows the pick-up unit to move to the unclamp position when the

lock unit is positioned in the lock position (as shown in Figs. 1 and 3, the operating member of pick-up is allowed to move unlimited by clamp lock/unlock unit (¶ 43, ll. 7-10).

With regard to claim 2, Konno discloses a cutout formed by cutting out between an end of the pick-up unit, close to the turntable, and an inner edge of the pick-up unit (Fig. 1, 18, for instance); and a rotating member (movable member, Fig. 3, 34) provided rotatably on the main body to move an end portion of the rotating member (see below)



between a condition, in which the end portion can penetrate into the cutout of the pick-up unit positioned in the playback position (cutout tip penetrated as shown in Fig. 4), and another condition, in which the end portion moves out of the cutout of the pick-up unit positioned in the playback position (as shown in Fig. 3 where end portion moves up and out of cutout); wherein the end portion of the rotating member penetrates into the cutout of the pick-up unit positioned in the playback position when the lock unit is positioned in the unlock position (as shown generally in Fig. 4), and the other end

portion (refers to part of element 34 which penetrates element 26) of the rotating member is pushed by the lock unit (35) in a direction of that the one end portion moves out of the cutout (Fig. 3, 18), and the end portion of the rotating member moves out of the cutout of the pick-up unit positioned in the playback position (as shown generally in Fig. 3).

With regard to claim 3, Konno discloses wherein the clamp unit (Fig. 3, 30) comprises: a movable member (engaging protrusion, 55) provided movable along a direction perpendicular to a surface of the turntable and biased to move close to the turntable (as shown in C - D); an extract/retract member provided between the turntable and the movable member (chuck claw, 36), an end of the extract/retract member projecting from the surface when the movable member moves close to the turntable (as shown in Fig. 3) and retracting under the surface when the movable member moves apart from the turntable (as shown in Fig. 4), wherein the pick-up unit is provided with a first insert portion (tip of element 18) to penetrate between the turntable and the movable member when the pick-up unit moves from the playback position to the unclamp position (as indicated by A in Fig. 1), wherein the other end portion of the rotating member is provided with a second insert portion (clamp controlling mechanism, Fig. 1, 15) to penetrate between the turntable and the movable member when the pick-up unit moves from the playback position to the unclamp position (as indicated by B), wherein the first insert portion and the second insert portion penetrate between the turntable and the movable member and the one end of the extract/retract member retracts under the surface of the turntable when the pick-up unit is in the unclamp

position (as shown generally in Fig. 4), and the first insert portion and the second insert portion move out of a gap between the turntable and the movable member and the one end of the extract/retract member projects from the surface of the turntable when the pick-up unit is in the playback position (as shown generally in Fig. 3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tamiya et al. Pat No. US 6,590,855 and Shiwa Pat. No. 6,680, 896.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gustavo Polo whose telephone number is 571-270-7613. The examiner can normally be reached on Monday-Friday 7:30AM-5:00PM EST (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GP/
Examiner, Art Unit 2627

/Andrea L Wellington/
Supervisory Patent Examiner, Art
Unit 2627